



RE•NEWS



RELEASE • RESTORE • REDEVELOP

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Brownfields Legislation Becomes Law

In May, Governor Jim Doyle signed Senate Bill 546, containing incentives to promote the clean up and reuse of contaminated properties, also known as brownfields.

Introduced by Senator Carol Roessler (R-Oshkosh) and first introduced by the Wisconsin Brownfields Study Group – a state-wide task force created by the Legislature and the governor in 1998 – this legislation had bipartisan support from a wide array of organizations. These organizations included: Wisconsin Manufacturers and Commerce, 1000 Friends of Wisconsin, Wisconsin Counties Association, Wisconsin League of Municipalities, Alliance of Cities, city of Milwaukee, Dane County, Wisconsin Economic Development Association, Wisconsin Realtors Association, Wisconsin Petroleum Marketers, Wisconsin Chapter of the National Brownfields Association, American Council of Engineering Companies in Wisconsin, Alliant Energy, DNR and the departments of Commerce and Agriculture.

For the complete statutory language, please see the following link: <http://www.legis.state.wi.us/2005/data/SB-546.pdf>.



FEATURE

BROWNFIELDS LEGISLATION BECOMES LAW (CON'T.)

For a more extensive summary of the legislation, including a Q&A section, please see our new web page at the following link: <http://dnr.wi.gov/org/aw/rr/rbrownfields/legislation.htm>.

The four provisions in this legislation are summarized below.

1. Amend the Environmental Remediation Tax Incremental Finance (ER TIF) law – This provision would make Environmental Remediation Tax Incremental Districts (TIDs) more consistent with other Wisconsin TIDs. It would extend the reimbursement period from 16 years to 23 years and make cancellation of property taxes an eligible ER TIF cost. This provision would go into effect October 1, 2006. For more information, please contact Michael Prager at 608-261-4927 or michael.prager@dnr.state.wi.us.

The three remaining provisions of this bill became effective June 3, 2006.

2. Expand environmental liability protections already in place for local governments and private parties who enter DNR's Voluntary Party Liability Exemption (VPLE) process – Currently, under s. 292.15, Wis. Stats., the VPLE is only available for hazardous substance spill sites and a small subset of properties that contain certain types of landfills. The legislation broadens the types of properties eligible for a VPLE to include waste disposal sites that are considered “unlicensed landfills.” For more information, please contact Michael Prager at 608-261-4927 or michael.prager@dnr.state.wi.us.

3. Create a new environmental liability exemption for local governments that acquire title to properties where an “unlicensed landfill” is or may be present on the property – The new exemption in s. 292.24, Wis. Stats., is modeled on the Spill Law exemption created in 1994 for local governments that acquire properties through tax delinquency, condemnation or other specified purposes. For more information please contact Dan Kolberg at 608 267-7500 or dan.kolberg@dnr.state.wi.us.

4. Change the way DNR, Commerce and Agriculture implement closures involving land use conditions to address residual contamination. State agencies will no longer rely on the use of deed restrictions to ensure that land use conditions placed on a property at the time of closure are maintained over time. Instead, the agencies have specific statutory authority to place these land use conditions on a property, and the owner of the property – or another person who has a legally enforceable responsibility to comply with the requirements (e.g. through a contract) – will be responsible for complying with the conditions set out by the state agency. The state agencies will use more detailed case closure letters to set these conditions.

The bill does not change the current environmental situations where the state has and will continue to require land use conditions. Those three general situations are:

- required maintenance of an engineering control;
- when a building or other structure inhibited full investigation of the contamination; if the building or other structure is removed after the conclusion of the remedial action, an investigation of the extent of residual contamination and completion of any needed remedial actions is required; and
- state-imposed limitations or other conditions related to the site (e.g. closure using industrial soil standards), in accordance with state agency rules, to ensure that conditions at the property remain protective and lead to appropriate redevelopment of the property.

This forth provision in the new law has two primary components.

1. It would clarify that conditions such as a requirement to maintain a protective barrier or an engineering control on top of contaminated soil are the responsibility of whomever is the current property owner – or another person with a legally enforceable responsibility to comply (e.g. a contract).
2. The DNR will inform the public of these conditions through an Internet listing of properties with this type of closure approval, instead of looking for individual deed restrictions for each property. The listing will include more detailed case closure letters that spell out the conditions that must be met to ensure that the residual contamination is properly managed. These closure letters, which may include specific maintenance plans, will be available in a PDF format on the GIS Registry of Closed Remediation Sites, available on the RR web site at <http://maps.dnr.state.wi.us/imf/dnrimf.jsp?site=brts.rsitesmap>. The DNR will continue to conduct audits of a certain number of these properties with land use conditions.

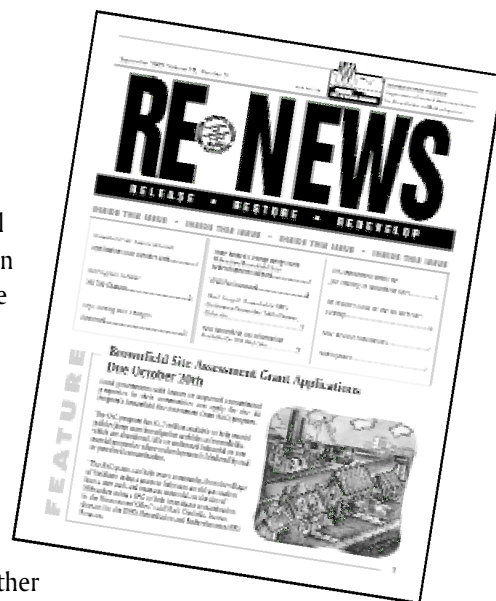
For more information on this new land use provision, please contact Mark Gordon at 608-266-7278 or mark.gordon@dnr.state.wi.us.

Re News First On-Line Copy Is Here!

Welcome to the first on-line issue of *Re News*! *Re News* is the RR Program's quarterly publication that we've mailed out to more than 2,500 subscribers since the early 1990s. However, due to budgetary constraints and the need to conserve our natural resources, the Program has decided to place more of our publications like *Re News* on the Internet. But don't worry! With the new electronic version, you will still be able to download and print copies of each newsletter.

How To Sign Up

As of February 1 of this year, subscribers have been able to sign up for the electronic version. For those individuals who have not yet signed up, there's still plenty of time! Please use the following link to our newsletter web page and follow the instructions there: <http://dnr.wi.gov/org/aw/rr/general/listserv.html>. If you cannot receive *Re News* electronically, have any trouble signing up or have any other questions, please contact Andrew Savagian at 608-261-6422, or andrew.savagian@dnr.state.wi.us.



Remediation and Redevelopment – A Different Kind Of DNR Program

During the 1990s, Wisconsin officials estimated that brownfields cost the state \$100 million in lost property tax revenue. These contaminated properties are often tax delinquent, abandoned, idle or underused, and the threat of contamination and liability can create considerable roadblocks to their cleanup and reuse.

In 1995, the agency created the Remediation and Redevelopment (RR) Program to address the complex problems that are often associated with these contaminated properties. The RR Program, however, is very different from the kind of environmental protection programs one normally sees at the state's natural resource agency. Instead of establishing a system of permits, the RR Program offers a variety of services for the cleanup and redevelopment of properties with polluted soil or groundwater.



And while cleaning up contamination to protect environmental and human health is still at the very core of the RR Program's mission, the successful reuse of those properties is also a critical part of the program. The cleanup and redevelopment of brownfields puts local infrastructure back on the map and encourages new employers to locate on formerly contaminated properties, helping to preserve green space.

Our experienced staff provide services in the form of technical assistance, funding and liability relief. Our tools are "deal makers" and give buyers, lenders, developers and local government officials the edge in property transactions. Our services are based on the private sector "fee for service" model, but carry the extra weight that comes with the DNR letterhead. The State Legislature authorized these fees in 1997 to help the DNR offset costs for providing those services.

Of course, not everything we do is based on optional services – the state still has rules and laws requiring legally responsible individuals to clean up contamination. However, even requirements come with alternatives in the RR Program. Responsible parties (RPs) can follow our rules, proceed with investigations and clean up without DNR's review until the end of a project. Or, they may choose to obtain fee-based input and approval from our staff along the way.

REMEDATION AND REDEVELOPMENT – A DIFFERENT KIND OF DNR PROGRAM (CON'T.)

Growing And Learning

Fees are so important to the RR Program that managers have recently completed an evaluation of our services. A group of supervisors visited each DNR region, asked questions and sought input from staff on new ideas and ways to improve, with the goal of keeping our services and fees timely, consistent and cost-effective.

In regards to information we receive that does not include a fee for our review, the results of those visits have led to the following conclusions.

Submittals to the RR Program that lack a review fee generally will receive only a cursory review.

The NR 700 rules, titled "Investigation and Remediation of Environmental Contamination," were written to allow self-implementing cleanups, which means a party is allowed to move from work plan to site investigation to remedial action without DNR approval. When no review fee is provided, RR staff only complete a cursory review for a required submittal such as a site investigation report, which typically involves only a review of the executive summary and/or the recommendations section.

If DNR has significant concerns about progress at a contaminated site, after a cursory review we may contact the RP by telephone and suggest they submit a fee for a more thorough evaluation of the work performed and their progress towards closure.

Submittals to the RR Program that lack a review fee will not receive a written reply.

A few years ago we reviewed every site investigation report in detail and sent the responsible party a letter regarding its adequacy. The RPs can still expect that same level of review and response for a \$750 fee. However, those who choose not to pay the fee will receive no written response and may receive, at most, a cursory review of material.

This means that an RP must decide whether to pay for DNR's approval of the site investigation, or risk designing and implementing the cleanup without knowing whether DNR staff think it is based on adequate groundwork, which may jeopardize the RP's final cleanup approval. Without a review fee, DNR staff may merely look at the consultant's recommendations to see if they make sense, based on what department staff know of the site.

If the recommendations don't seem to make sense, DNR staff may make a quick phone call in regard to serious concerns and suggest a more thorough, fee-based DNR review. When staff only make a cursory review, but raise this type of concern in a phone conversation, those verbal comments are offered only as advice and not as a formal decision.

Hence, fees are a good investment for those who want to ensure DNR's concurrence on preliminary work as the basis for the remedial actions that will follow.

The type of submittal and the level of DNR review will be shown on the Internet.

The RR Program's *BRRTS on the Web* provides an easy-to-use, on-line method of informing interested parties about the steps involved in the investigation and cleanup of brownfields. It also shows whether or not we've received fees to provide a written response to planned or completed work. You can access *BRRTS on the Web* at the following link: botw.dnr.state.wi.us/botw/Welcome.do.

Good Customer Service – Year In And Year Out

For the RR Program, 2005 was a very busy year. We:

- approved the cleanup of more than 470 contaminated properties;
- responded to nearly 100 requests for fee-based technical decisions;
- satisfied 110 requests for redevelopment assistance;
- responded to more than 480 hazardous substance spills;
- awarded 45 Site Assessment Grants totaling \$1.7 million; and
- worked on state-funded cleanups at approximately 62 "orphan" locations (i.e. those sites missing a responsible party able to deal with the contamination).

We're already into another busy year in 2006, and continue to serve our customers with helpful tools and services. To see a complete listing of our fees and services, please use the following link: http://dnr.wi.gov/org/aw/rr/Services_Fees/index.htm. Or if you need more RR Program information or want to contact Program staff, you can always find us on the web at <http://dnr.wi.gov/org/aw/rr>.

Should Local Governments Acquire Contaminated Properties?



Historically, this has been a loaded question, and local governments faced with it today should be loading up on information about their options. Perhaps a better question today is: “*How* should local governments acquire brownfields?”

In some communities, brownfields redevelopment is booming. Great projects are springing up in cities, villages and towns. These communities are acquiring more and more typical brownfield sites – vacant, abandoned, under-utilized or tax-delinquent commercial/industrial properties with real or perceived contamination – and partnering with developers to put them back into job-creating uses. Why? Because since the early mid-1990s, federal and state governments have given communities the tools to manage their environmental risks.

However, in other communities local policy still dictates municipalities avoid all acquisition of brownfields, often a critical first step in jump-starting brownfields redevelopment. Worse yet, in some cases local officials have overlooked the “how?” question and acquired contaminated property without taking advantage of the liability protections available to them.

Tool #1 – State Liability Protection

How should a local government go about acquiring title to a contaminated property? This question hits the brownfield redevelopment mother lode, and it’s based on the “How?” question of property acquisition. Communities that acquire brownfields through involuntary means – such as tax delinquency, bankruptcy proceedings, condemnation (or other procedure under ch. 32, Wis. Stats.), escheat, for slum clearance or blight elimination, from another exempt local government, or by entering into a clean-up agreement with the DNR at a Stewardship Grant site – would qualify for an environmental liability exemption under Wisconsin’s Spills Law, s. 292, Wis. Stats.

For many local governments, corporation counsels – i.e. legal representatives – are not aware that the State Legislature created this statutory exemption in 1994. Municipal officials faced with brownfield needs may want to ask their counsels to look up s. 292.11(9)(e)1m. and 1s., Wis. Stats, or consult the RR Program’s fact sheet on the exemption, located at the following link: www.dnr.wi.gov/org/aw/rr/archives/pubs/RR579.pdf.

In exchange for managing the contamination at a site – which includes controlling public access, dealing with containers of hazardous substances and reporting any contaminants to DNR – the local government is exempt from requirements to investigate the contamination or clean it up. This exemption provides some breathing room for communities to look into cleanup options, secure grants and/or loans, as well as find interested developers and/or potential buyers.

Tool #2 – Federal Liability Protection

On the federal level, there is a municipal liability exemption for local governments. Like the state’s Spill Law exemption, if a local government “involuntarily” acquired a property – e.g., through tax delinquency, condemnation, etc. – they are not liable under the federal Superfund law unless they caused the contamination. Acquiring a property by these involuntary means would preserve a local government’s eligibility to apply for \$70 million in federal brownfields grants and loans.

However, sometimes the involuntary methods of acquisition listed above are just not viable, and the municipality may need to outright purchase a contaminated property. While buying a brownfield does not qualify communities for the state’s liability exemption, they can still maintain a defense against federal Superfund liability. Again, the “How?” question is critical to the acquisition. An added advantage of understanding the “how” is that conducting the appropriate environmental due diligence, such as a Phase I environmental assessment prior to purchase, also maintains local governments’ eligibility for federal brownfield grants and loans.

SHOULD LOCAL GOVERNMENTS ACQUIRE CONTAMINATED PROPERTIES? (CON'T.)

A municipality planning to purchase a property that may be contaminated may want to first consider conducting the federal standard of due diligence, entitled All Appropriate Inquiry (AAI), before purchase. The AAI is a federal requirement that means roughly the same as due diligence or as a Phase I environmental assessment. Basically it means that the purchaser has made a sufficient effort to determine the environmental status of the property.

Under EPA's "bona fide prospective purchaser" provision – which AAI is part of – the defense against Superfund liability is still available even if it is concluded that the property is contaminated on it. However, the bona fide prospective purchaser provision is only available for property purchased on or after January 11, 2002. The DNR recommends that local officials work with their legal counsel and private environmental consultants to help understand the specific provisions and codes in federal law for conducting AAI.

After November 1, 2006, local governments and tribes who purchase property outright – i.e. not by involuntary means – will need to use either the most recent Phase I standard or follow the federal AAI rule to meet this new due diligence standard at properties if they wish to be eligible for the \$70 million in federal brownfields funding.

For more information about AAI, please see the following web site: <http://www.epa.gov/swerosps/bf/regneg.htm>.

Tool #3 – Written Liability Clarifications

Many communities would like to have their liability clarified on a property, in case local officials or a prospective purchaser want to understand the remaining environmental responsibilities at a site. A very popular and pragmatic solution is to, for a small fee, request the DNR write a general liability clarification letter to a community, purchaser or seller. These letters lay out the environmental and liability responsibilities of a local government or private party, and have been very helpful in gaining support for property acquisitions by both the private and public sector.

Tool #4 – Money

Opportunities for state, federal and local brownfield grants and loans are too numerous to describe here, but are summarized in the *Financial Resource Guide for Cleanup and Redevelopment*, a publication listing more than 60 financial incentives for brownfields cleanup and redevelopment. The Guide is available on the internet at: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR539.pdf>.

Finally, if a local government qualifies for Wisconsin's local government liability exemption, it may also utilize the local government cost recovery cause of action language in s.292.33, Wis. Stats. This statutory provision allows communities to recover their environmental and other eligible costs from persons that caused the contamination, as well as any remaining costs from the last person to own the property before acquisition by the local government. Local officials have found that a discussion with potential responsible parties about this statute and the municipality's plans to recover costs for the cleanup is sufficient incentive to stimulate private action at some brown-field properties.

Need Help? Call The DNR!

The DNR can help communities apply these brownfield redevelopment tools. Please contact Dan Kolberg at 608-267-7500 or dan.kolberg@dnr.state.wi.us regarding Wisconsin's local government liability exemption. For copies of DNR publications, please visit our publications web page at: http://dnr.state.wi.us/org/aw/rr/archives/pub_index.html.

To view examples of Wisconsin success stories on brownfield redevelopment, please visit the following RR web page: <http://dnr.wi.gov/org/aw/rr/cleanup/sstories.htm>.



Go Green And Bold With Green Space And Public Facilities Grants

Oshkosh's Riverside Park, Kenosha's school athletic fields, Eau Claire's Phoenix Park, Delavan's downtown green space, Geneva's Township Park – what do these unique public places have in common? They were all funded by Green Space and Public Facilities grants, a DNR program that has \$1 million available to help Wisconsin municipalities clean up publicly-owned brownfields.



Applications for the second round of Green Space grants were made available this April, and the deadline for submitting applications is July 21, 2006. The DNR funded 10 communities during the first round of grants in 2004 after the governor and State Legislature approved funding. The Brownfields Study Group, a statewide task force facilitated by the DNR, initially proposed creating the Green Space grants in their 2000 Final Report.

As one of the only brownfield-to-greenfield funding programs in the nation, Green Space grants are a unique opportunity to boost local environmental and economic conditions at the same time. Recent studies have shown that housing values increase when located near green spaces (also, please see “Back To The City – Brownfield Housing Redevelopments On The Rise” on page 9 of this issue). In addition to parks, trails, sports fields and other similar re-uses, municipalities may also use these grants to clean up brownfields and turn them into such public facilities as libraries, town halls and village garages.

Three First Round Grants Go Green

Oshkosh officials used their 2004 Green Space grant to help construct Riverside Park, which included a remedial action plan for constructing grading, drainage and an asphalt cap that directed storm water away from contaminated areas. Said City Planner Kristi Bales: “Not only did the Green Space grant funds help with environmental cleanup during park construction, these funds helped show the community the commitment to the project, which led to the leveraging of additional private financing and continued to strengthen the public-private partnership for the project.”

In Kenosha, local officials used their Green Space grant to remove contaminated soil, construct caps over less contaminated soil, test groundwater and control methane gas. When their athletic fields were complete, city officials reported that “The ultimate final use of the site by the school district, students, staff and parents, as well as the general public...could not have been accomplished had the placement of the topsoil, final grading, seeding and watering of grass and the placement of plantings per the project design not been accomplished.”

In Eau Claire, the city's new Farmers Market in Phoenix Park is being located on a former battery-recycling site. Recycling methods at the former brownfield included breaking open batteries to recover any usable materials, and these “cracked” batteries were left behind at the property, along with contaminated soil. The city is using its Green Space grant to remove any soil contaminated with lead from this process.

Applying? Some Key Points To Consider

Here are some fundamentals about Green Space and Public Facilities Grants for prospective applicants to consider.

- Local governments that apply for a grant do not need to own the brownfield property, but need to obtain access to conduct the cleanup.
- To be eligible, the local government must not have caused or contributed toward the contamination.
- The local government must be willing to keep the property in public use for at least 20 years and record a deed restriction that maintains the public use.
- Green Space grants provide reimbursement of environmental cleanup costs, not site investigation expenses.

The Legislature has approved \$1 million for Green Space grants in the 2005-2007 biennium. No grant may exceed \$200,000, and at least 20 percent of the funding must go to grants of \$50,000 or less. Local match requirements are based on the size of the grant:

- at least 20 percent match for grants of \$50,000 or less;
- at least 35 percent match for grants of \$50,000 up to \$100,000; or
- at least 50 percent match for grants of \$100,000 up to \$200,000.

Any local government – city, village, town, county, redevelopment authority, community development authority or housing authority – or tribe is eligible to compete for a grant. The DNR will help by discussing project eligibility with potential applicants, so please give our staff a call!

For more information on Green Space grants, please visit our web page at the following link:

http://dnr.wi.gov/org/aw/rr/rbrownfields/greenspace_grant.htm, or contact Michael Prager at 608-261-4927 or michael.prager@dnr.state.wi.us.



SUCCESS STORIES

Phoenix Park Site Rises From The Brownfield Ashes

You'd be hard pressed in any natural setting to find a more picturesque scene than one where two rivers join together. Many communities across Wisconsin have settled where the waters meet – the well-noted origin of the word Milwaukee, for example, is an Algonkian phrase meaning “gathering place by the waters,” noting the confluence of the Menomonee, Kinnickinnic and Milwaukee rivers.

The Eau Claire River and Chippewa River are two more of Wisconsin's blue treasures, joining amid a scenic rolling valley in north-west Wisconsin. True to the nature of humanity, the city of Eau Claire is tucked into this corner, and for many years residents there have watched these riverfronts turn from natural to industrial, to contaminated and eventually abandoned.

Driving Eau Claire Industry For 100 Years

The Eau Claire brownfield properties along these two rivers have served many businesses. In 1875, the Phoenix Manufacturing Company built their iron foundry and machine shop, producing sawmill and gristmill machinery and other products, on a five-acre site along the Chippewa River near the confluence. In the 1920s, another company purchased the facility and continued manufacturing machinery until 1951, when the Phoenix Steel company bought the property for salvaging metal, including lead batteries. After 20 years of operation, the site became a brownfield, leaving contamination from nearly 100 years of industrial operations.

Nearby on the Eau Claire riverside, another section of waterfront property was used for railroads and a sewer pipe manufacturing plant in the late 1800s. A rail freight depot and several railroads crisscrossed the property, and the site was also used for coal and fuel storage. In 1901, a manufactured gas plant operated by the Eau Claire Gas & Light Company and later Northern States Power (now Xcel Energy) was built on the site, converting coal to gas until 1947, when supplies were switched to propane. By 1963, the site had also become a brownfield, requiring significant cleanup activities before it could be reused.

Community Cleanup

City officials worked with the DNR's Remediation and Redevelopment staff on technical oversight and funding assistance to investigate and clean up the properties.

Cleanup of the former Phoenix Steel site on the Chippewa riverside included excavation of 7,600 cubic yards of lead-contaminated soil. The soil was mixed with more than 2,400 tons of fly ash, which “fixed” the lead to keep it in place and prevent mobilization in the environment. This mixed soil was then re-deposited on the site and capped with 20 inches of compacted clay and four inches of topsoil.

Cleanup was completed in 1994. Funding for the cleanup project was provided by the city and from the DNR's Remediation and Redevelopment (RR) Program, through the RR's state-funded cleanup process.

Along the Eau Claire River, Xcel Energy demolished the old gas plant buildings and removed more than 12,000 tons of contaminated soil and debris before the city acquired the property in 2004.

With the cleanup completed, the city worked with the Royal Credit Union to build the RCU Administrative Center, part of the city's larger North Barstow Redevelopment project. The new building helped consolidate 13 of RCU's departments and today houses more than 100 employees.



The Royal Credit Union and Phoenix Park redevelopment, located at the confluence of the Chippewa and Eau Claire rivers (photo by Loren Brumberg, DNR).

PHOENIX PARK SITE RISES FROM THE BROWNFIELD ASHES (CON'T.)

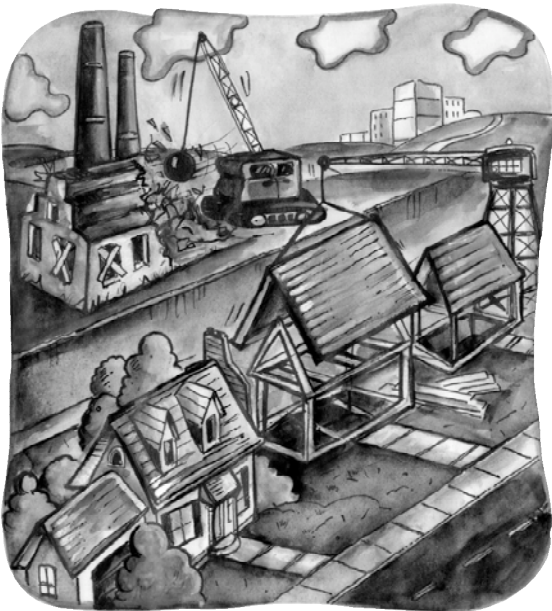
Also, three other key pieces to this project were the Phoenix Park green space, a hiking/biking trail and the new Eau Claire Farmers' Market. In planning the green space, the Eau Claire Waterways and Parks Commission reviewed more than 50 possible design features identified by the public, with the final design helping create an urban park that offered recreational opportunities while preserving the area's riverfront heritage.

In addition to the public and private cleanup costs, funding for the redevelopment project came from a number of sources, including:

- **DNR** – Site Assessment Grant of \$100,000 to help demolish some of the old gas plant buildings; a Green Space and Public Facilities Grant of \$5,000 for the removal of contaminated soil associated with the Farmers' Market development; and a Stewardship grant of \$600,000 for property acquisition and development of the Phoenix Park and hiking/biking trail;
- **Department of Commerce** – \$750,000 for property acquisition and demolition activities; and
- **Department of Agriculture, Trade and Consumer Protection (DATCP)** – \$400,000 for development of the Farmer's Market.

Today, the residents of Eau Claire see a different riverfront than the blighted one they saw 20 years ago. The community's North Barstow Street Redevelopment Project, Phoenix Park, the trail and the Farmers' Market have revitalized this part of Eau Claire, and in doing so have re-defined the idea of confluence by combining state and local government assistance with private investment to create a new, more vibrant place where the waters meet.

Back to the City - Brownfield Housing Redevelopments On The Rise



When people think of contaminated industrial and commercial properties – commonly known as brownfields – rarely do they say “That’s where I want to live.” But throughout the United States – and to an even greater extent internationally – more and more housing developments are popping up where brownfields once stood. In some cases, developers are building luxury homes and condominiums on former slums and blighted properties.

What has happened to create such a big change in attitudes about good places to live? This trend towards residential development on brownfields is linked to several important factors. Many large urban areas often have less land to work with for new developments, making vacant or abandoned industrial and commercial properties a hot commodity. Also, many brownfields are located adjacent to bodies of water and major transportation corridors, and as a result they attract people interested in moving to the city.

In addition, community and developers are targeting brownfield “areas” or corridors for new mixed-use developments, which provide retail and social opportunities that complement new or remodeled housing. Reverse suburbanization and constraints on urban sprawl have created some increasingly attractive housing prospects for young professionals and business people who want to avoid long commutes to their city jobs, and who want to be closer to restaurants and entertainment.

BACK TO THE CITY - BROWNFIELD HOUSING REDEVELOPMENTS ON THE RISE (CON'T.)

The Plus Side To Brownfield Housing

Whatever the basis, housing projects have become more common parts of brownfield redevelopments. The Brownfields Research Consortium at the University of Wisconsin–Milwaukee reports that 30 percent of recent redevelopment projects in the city of Milwaukee include residential components. Research in Canada and the United Kingdom report similar levels of 45% and 60%, respectively, for brownfield projects involving housing. People are clearly seeing benefits to developing and living on these once contaminated properties.

The advantages of residential developments on brownfields can be numerous, including:

- the high-density potential in constricted land areas – which often involve financial incentives – creates economically attractive developments;
- effective reuse of existing infrastructure reduces project costs, and the price of land for brownfields can be lower than in outlying areas;
- the proximity to attractive transportation, recreation and cultural features attracts residents, and area-wide land-use planning often supports these mixed land uses;
- savings on commuter costs for residents making the switch from suburban to urban living; and
- many successful brownfield projects have reduced the stigma and health concerns about the safety of living on those sites.

The Challenges Ahead

However, like any land-use, housing on brownfields is not without critical challenges that communities often must address, including:

- high clean-up costs, which can be prohibitive;
- liability concerns that may create impediments;
- buy-in to area-wide developments that may require long-term commitments to multi-phase projects;
- time frames for redevelopment that some times are longer for brownfields than for greenfield projects;
- institutional controls that can increase operation and maintenance costs, or other regulatory barriers that may impact schedules and costs; and
- conflicts between the needs of the developer to recover costs and public policy requirements for affordable housing.

Reported experiences of developers who have built residential projects on brownfields have been largely positive. Most of them say that, despite the challenges, they would definitely take on other projects. Some specialize exclusively in contaminated properties, and many have found effective balances between their project needs and state and local incentives. And, while some developers indicate they would redevelop other properties even without any public assistance, most agree that that projects with highly contaminated properties generally require more public assistance.

While additional public policy work may be needed, especially related to blending affordable housing requirements into over-all development plans, there is a greater confidence developing within the industry with each successfully completed project. Even banks and other lending institutions are beginning to make funds available for these residential redevelopments. That kind of support, along with strong regulatory oversight to protect the public health and the environment, will continue the positive trend toward housing developments on former brownfields.

Brownfields Conference Set For November 13-15 In Boston, Massachusetts

EPA will host Brownfields 2006, the 11th annual brownfields conference, on November 13-15 in Boston, Massachusetts. This annual, free conference features interactive discussions, educational presentations, mobile workshops and plenty of networking opportunities with business, government and nonprofit organizations working at the enterprising edge of brownfields redevelopment. To register, or for more information, please visit the Brownfields 2006 web site at <http://www.brownfields2006.org/en/index.aspx>.



An Insider's Look At The Web - Our Front Web Page Has Changed!

You may have noticed something different about the RR Program's front web page. We have changed our format from three-columns to two-columns, to be consistent with ongoing DNR agency-wide web changes.

No need to worry, however – the same great RR Program information and links that were there before are still there! In fact, while we've reformatted all of our web pages to two columns, most of the information on our web site has remained the same.

Of course, if you notice anything unusual or different, or find any links that don't work, please let us know! Contact Jessica Milz at jessica.milz@dnr.state.wi.us.

And stay tuned for more web updates in future *Re News*!



New, Revised Publications



Greenspace and Public Facilities Fact Sheet, Updated Application Instructions Available

A new fact sheet entitled *Brownfield Green Space and Public Facilities Grants* (publication RR-755) is now available. The fact sheet includes information on the DNR's Greenspace grant program, which provides \$1 million to communities to help turn their brownfields into such public uses as parks, soccer fields or libraries. The fact sheet can be accessed at the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR755.pdf>.

The *Brownfield Green Space and Public Facilities Grant Application Instructions* (publication RR-695) have also been updated, and are available at the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR695.pdf>.

Negotiated Agreements Fact Sheet Updated

The publication *Negotiated Agreements: Contracts For Non-Emergency Remediation of Contaminated Properties* (Fact Sheet 6, publication #RR-664) has been updated. This document describes what a negotiated agreement is and when these agreements can be used for specific, non-emergency cleanup situations. The fact sheet can be downloaded from the RR Program's web site at the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR664.pdf>.

Revised Lease Letters Fact Sheet Now Available

Fact sheet 12, entitled *Lease Letters: Clarifying Environmental Liability When Leasing Property* (publication #RR-620), has been revised. This publication helps potential tenants or owners of contaminated properties understand how they may avoid liability for contaminated properties that they rent. The document can be downloaded from the RR Program's web site at the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR620.pdf>.

Voluntary Party Liability Exemption Insurance Fact Sheet Revised

Fact sheet 13, entitled *Insurance for Voluntary Party Liability Exemption Sites Using Natural Attenuation* (publication #RR-661), has been revised. This publication provides updated fees and describes insurance requirements in ch. NR 754, Wis. Adm. Code, that voluntary parties must follow for sites using natural attenuation. The document can be accessed on the web at the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR661.pdf>.

Staff Updates

Northeast Region

Denise Danielski is taking over the brownfields outreach specialist position recently vacated by Bethany Christoff. Denise has nine years of experience working in the RR and Waste programs in various roles, including recycling outreach and grants, and database and program assistance. Welcome Denise!



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For More Information: *Re News* is published quarterly by the Wisconsin Department of Natural Resources Bureau for Remediation and Redevelopment.

This newsletter is available in alternate format upon request. Please call 608-267-3543.

Our Web Site Is: <http://www.dnr.wi.gov/org/aw/rr>

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This newsletter may contain summary information about certain state statutes and/or rules and does not include all of the details found in the statutes/rules. Readers should consult the actual language of the statutes/rules to answer specific questions.

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